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Docket No.: M4065.0369/P369
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Shane J. Trapp

Examiner: J. S. J. Chen

Application No.: 09/752,685

Art Unit: 2813

Filed: January 3, 2001

For: METHOD AND COMPOSITION FOR
PLASMA ETCHING OF A SELF-ALIGNED
CONTACT OPENING

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is in response to the election of species requirement set forth in the Office Action dated March 28, 2005. Applicant hereby elects Species II, for continued examination with traverse. At least claims 36-39, 41-46, and 64-70 read upon Species II.

Moreover, given the circumstances of this case, it would not be a serious burden for the Examiner to examine all of the claims at this time. Applicant respectfully submits that the Examiner previously conducted a search and examined all of the claims, *i.e.*, claims 1-13, 15-25, 36-39, 41-46, and 64-70 in the Office Action dated August 25, 2004. In response, Applicant filed an Amendment on November 17, 2004 in which only two independent claims were amended, *i.e.*, claims 1 and 36. Accordingly, it would not be a serious burden to continue examination of all the pending claims, since a search and examination of claims 1-13, 15-25, 36-39, 41-46, and 64-70 were previously conducted.

M.P.E.P. § 803 provides that “[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.” In this case, there are no additional claims and the Examiner’s previous search and examination would have encompassed the amendment to claim 1, *i.e.*, an composition consisting of ammonia and at least one fluorocarbon.

For example, claim 1 was amended to recite “an etching composition consisting of ammonia and at least one fluorocarbon.” Claim 36 recites an etching composition “consisting essentially of ammonia and at least one fluorocarbon.” Similarly, claim 64 recites an etchant mixture “consisting essentially of ammonia and at least one fluorocarbon.” The Examiner’s previous search and examination was conducted for prior art that disclosed an etchant mixture consisting essentially of ammonia and at least one fluorocarbon. The previous search would also have encompassed an etchant mixture consisting of ammonia and at least one fluorocarbon. The continued examination of all the pending claims can be done without serious burden.

An action on the merits of all the claims and a Notice of Allowance thereof are respectfully requested.

Dated: April 28, 2005

Respectfully submitted,

By _____

Thomas J. D'Amico

Registration No.: 28,371

DICKSTEIN SHAPIRO MORIN &

OSHINSKY LLP

2101 L Street NW

Washington, DC 20037-1526

(202) 785-9700

Attorney for Applicant